

RESOLUTION NO. 2003-250

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
THE POLICY AND FEE FOR FENCE AND LANDSCAPE
MAINTENANCE IN NEW DEVELOPMENTS TO REQUIRE
FORMATION OF A LIGHTING AND LANDSCAPE DISTRICT
OR A HOMEOWNERS' ASSOCIATION

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby amend the policy and fee for fence and landscape maintenance in new developments to require formation of a lighting and landscape district or a homeowners' association, as shown on Exhibit A attached hereto and made a part of this Resolution, thereby rescinding Resolution No. 99-147, adopted September 15, 1999.

Dated: December 17, 2003

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I hereby certify that Resolution No. 2003-250 was passed and adopted by the Lodi City Council in a regular meeting held December 17, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, and Mayor Hansen
NOES: COUNCIL MEMBERS – Howard and Land
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None

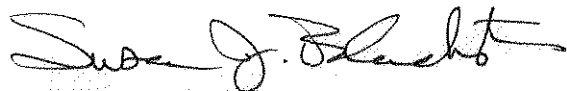

SUSAN J. BLACKSTON
City Clerk

EXHIBIT "A"

CITY OF LODI

POLICY ON FUNDING OF MAINTENANCE AND REPLACEMENT OF WALLS, FENCES, LANDSCAPING AND IRRIGATION IMPROVEMENTS IN SUBDIVISIONS WITH REVERSE FRONTAGE LOTS AND MAINTENANCE OF CITY-OWNED TREES IN PARKWAYS OF SUBDIVISIONS AND MAINTENANCE OF PRORATED SHARE OF PUBLIC PARK IMPROVEMENTS.

The following policy shall replace the policy established by the City Council on September 15, 1999 by Resolution No. 99-147.

The following policy shall establish the funding of on-going maintenance and replacement of walls, fences, landscaping and irrigation improvements located in the street right-of-way along roads abutting reverse frontage lots in proposed subdivisions. In addition, the policy establishes the funding of on-going maintenance and replacement of City-owned trees in parkways of proposed subdivisions and maintenance of a prorated share of public park improvements.

Before the City of Lodi approves a Final Subdivision Map, it must be assured that an appropriate funding mechanism is in place to cover the on-going costs of maintaining and operating public improvements including but not limited to wall, fence, irrigation and other landscaping maintenance and operation along major arterial and collector roads abutting reverse frontage lots. In addition, funding must be assured for the on-going maintenance and replacement of City-owned trees in parkways of proposed subdivisions and maintenance of a prorated share of public park improvements. Developers must use one or both of the following to provide the funding:

1. 1972 Act Landscape and Lighting District: The Tentative Map or Final Map will be conditioned with a requirement for the formation of a Maintenance Assessment District. The district will include funding of on-going maintenance, operation, and replacement of walls, fences, landscaping and irrigation improvements located in the street right-of-way along frontage lots. The district will be required to annex to the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. Formation costs will be paid by the developer. Formation of such a district may be accomplished in one of two ways:
 - a) Formation of a new district prior to the City approval of the Final Map. The City Council must adopt a Resolution of Intention to create a new landscape and lighting district and hold a public hearing at least 45 days after adopting the Resolution of Intention. All landowners in the district will be given a ballot to vote on forming a district. The public hearing for district formation and final vote count is required before formation of the district is complete
 - b) Formation of a new district following the City approval of the Final Map. The City Council must adopt a Resolution of Intention to Order the Formation of a Maintenance Assessment District and Preliminarily Approve the Engineer's Report concurrent with or prior to approval of a Final Map. The owner/developer shall make a cash deposit with the City in the amount equal to 150 percent of the cost of the professional services required to implement formation of the assessment district. Formation of the district or zone must be complete prior to the City Council acceptance of the subdivision improvements.

2. Homeowners Association: The owner/developer will be conditioned with a requirement for the formation of a Homeowners Association which will assess and collect fees from homeowners to pay for on-going maintenance, operation, and replacement of walls, fences, landscaping and irrigation improvements located in the street right-of-way and abutting reverse frontage lots (either within street right-of-way or within private easements). The requirement will be implemented by Agreement prior to final map filing. In addition, the Homeowners Association will assess and collect fees from homeowners to pay for maintenance of City-owned trees in parkways and a prorated share of public park improvements. The amount to be assessed for these City-provided services will be provided by the City to the Homeowners Association by June 30 each year. Payment to the City will be submitted 50 percent on or before December 10 and the balance on or before April 10. The City will review and approve the Conditions, Covenants and Restrictions to ensure the deeds reflect common ownership of the private easement(s) and that the City has the right to enter the private easement(s) to perform landscape services, in the event the landscaping improvements substantially deteriorate below City Standards. Costs incurred by the City to bring areas up to City standards will be billed and paid by the Homeowners Association to the City. The City of Lodi is to be named as a third party beneficiary in the Conditions, Covenants and Restrictions only for the purposes of allowing the City to correct substandard landscaping.